IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Civil Writ Petition No. 13530 of 2006
Date of decision : 28th August, 2006

Parbhu ...Petitioner

Versus

State of Haryana and Ors. .....Respondents

CORAM:HON'BLE MR. JUSTICE ASHUTOSH MOHUNTA
HON'BLE MRS. JUSTICE NIRMAL YADAV

Present: Mr. J.S. Dahiya, Advocate
for the petitioner

ASHUTOSH MOHUNTA, J (Oral)

The petitioner has prayed for quashing of order dated 16.12.2005, Annexure P3, passed by the Assistant Collector, Ist Grade by which the application of the petitioner under Section 7 of the Punjab Village Common Lands (Regulation) Act,1961 has been dismissed. Petitioner also submits that the chopal has been constructed over the land in dispute, but respondents No. 5 to 9 are trying to take illegal possession of the same for their own personal benefits.

Earlier one Jeet Singh had filed civil suit before the Sub Judge IIIrd Class, Sonepat, wherein a similar prayer was made. Defendant/petitioner had categorically stated that the chopal is being constructed for the entire Harijan Community of the Village and that it is not the property of the respondents. In view of the statement, the suit was dismissed under Order 7 Rule 11 of the Code of Civil Procedure.

Now, a similar prayer has been made by the petitioner. The Assistant Collector, who got conducted an enquiry through the Social

Education and Panchayat officer, and it was found that the chopal was constructed by taking financial assistance from the Government. It is a common chopal and the same is not being used for the benefit of any particular person, rather it is for the use of entire Harijan Community of the Village. The chopal is being re-constructed as the condition of the chopal had deteriorated.

From the perusal of the aforementioned facts, it is clear that the construction of the chopal is being undertaken for the use of the entire Harijan Community and not for the benefit of any particular individual. Thus, we find no merit in the writ petition and the same is dismissed accordingly.

The Gram Panchayat is directed to ensure that the chopal is constructed expeditiously.

(ASHUTOSH MOHUNTA)
JUDGE

(NIRMAL YADAV)
JUDGE

August 28, 2006
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